

Message Text

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ORIGIN L-02

INFO OCT-01 EUR-12 IO-10 ISO-00 EB-07 AID-05 AF-06 ARA-06

EA-06 NEA-09 COME-00 TRSE-00 STR-04 AGR-05 OIC-02

/075 R

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R 182353Z APR 75

FM SECSTATE WASHDC

TO USMISSION GENEVA

USMISSION USUN NEW YORK

AMEMBASSY VIENNA

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E.O. 11652: N/A

TAGS: OCON, UNIDO, AORG

SUBJECT: UNIDO - SECRETARIAT POSTURE ON VALIDITY OF RESERVATIONS TO UNIDO II CONFERENCE REPORT

REFS: A. VIENNA 3097; B. VIENNA 2946; C. USUN 1234

1. THERE IS NO SET RULE ON INCLUSION OF WRITTEN RESERVATIONS IN A CONFERENCE FINAL REPORT. ISSUE IS WITHIN COMPETENCE OF CONFERENCE TO DECIDE. DEPT UNDERSTANDS THAT UNIDO II CONFERENCE ENDORSED STATEMENT OF UNIDO II PRESIDENT IN CLOSING PLENARY SESSION THAT DELEGATIONS COULD SUBMIT IN WRITING ANY RESERVATIONS THEY MIGHT HAVE ON UNIDO II DECLARATION AND PLAN OF ACTION. THIS WOULD CONSTITUTE DECISION OF CONFERENCE ON FORM AND SUBSTANCE OF CONFERENCE FINAL REPORT. ABSENCE A CLEAR RULE TO CONTRARY, THIS DECISION IS OUTSIDE PROVINCE OF UNIDO SECRETARIAT (AFIFI) TO QUESTION. IF UNIDO SECRETARIAT PERCEIVED

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LEGAL DIFFICULTIES WITH PROPOSAL IT SHOULD HAVE SO INDI-

CATED BEFORE CONFERENCE DECISION REACHED. SUCH VIEWS EXPRESSED BY UNIDO LEGAL ADVISER (WE UNDERSTAND AFIFI NOT LEGAL ADVISER) WOULD HOPEFULLY HAVE BEEN FULLY TAKEN INTO ACCOUNT BY CONFERENCE PARTICIPANTS. ACCORDINGLY, IN DEPT VIEW, CURRENT AFIFI INTERFERENCE IS OUT OF ORDER, AND USDEL IS AUTHORIZED TO CONCUR IN OPINION THAT ALL AND ANY RESERVATIONS SUBMITTED SHOULD BE PUBLISHED IN UNIDO II REPORT.

2. REFTELS A AND B INDICATE AFIFI, SOMEWHAT CONFUSED ON IMPLICATIONS OF QUESTION HE HAS RAISED, HAS REVISED FOREGOING POSITION. REFTEL C LEADS DEPT TO CONCLUDE THAT AFIFI IS FLYING BY THE SEAT OF HIS PANTS, RATHER THAN RELYING ON CONSULTATIONS WITH UN ON LEGAL QUESTIONS. NONETHELESS, HIS LATEST VERDICT, REFTEL A, PARA 2A, INDICATES AFIFI CONCURS THAT USDEL CAN SUBMIT ITS WRITTEN RESERVATIONS. THIS IS ONE REASON WHY USDEL SHOULD TREAT AFIFI OPINION REFERRED TO IN PARA 1 OF THIS MESSAGE IN LOW-KEY MANNER.

3. ADDITIONALLY, DEPT CONSIDERS THAT (ADMITTEDLY WRONGLY INSPIRED) AFIFI CONTROVERSY MAY YIELD MARGINAL BENEFITS TO U.S. DESIRE TO SEE ALL DELEGATIONS VOTE RPT VOTE THEIR POSITIONS RATHER THAN SUBMIT TO GROUP OR OTHER PRESSURES AND ADOPT MEASURES WITH A BOGUS CONSENSUS ACCOMPANIED BY MAJOR RESERVATIONS.

4. WHILE USDEL SHOULD THEREFORE NOT TAKE LEAD IN MATTER, IT SHOULD NOT HESITATE, WHENEVER APPROACHED ON MATTER, TO DELIVER, IN LOW-KEY MANNER, U.S. VIEW THAT THE CONFERENCE HAS DECIDED TO INCLUDE IN FINAL REPORT WRITTEN RESERVATIONS OF ANY MEMBER AND THAT AFIFI IS EXCEEDING CONFINES OF HIS ROLE BY RAISING HIS OBJECTIONS. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 18 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE090045
Document Source: CORE
Document Unique ID: 00
Drafter: AMSURENA:EB
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750138-0253
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750436/aaaabhnr.tel
Line Count: 93
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 VIENNA 3097, 75 VIENNA 2946, 75 USUN 1234
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 07 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07 APR 2003 by BoyleJA>; APPROVED <21 MAY 2003 by MorefiRH>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: UNIDO - SECRETARIAT POSTURE ON VALIDITY OF RESER- VATIONS TO UNIDO II CONFERENCE REPORT
TAGS: OCON, AORG, UNIDO
To: GENEVA VIENNA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006